

**UNITED STATES DISTRICT COURT -  
EASTERN DISTRICT OF PENNSYLVANIA**

GLORIA STURZENACKER,  
Plaintiff

vs.

CMC RESTORATION, INC., CHRISTOPHER  
& BRUMMETT, INC., and DAVID KELLEY,  
Defendants

COMPLAINT FOR CONSUMER DEBT  
COLLECTION ACTION

NO. 5:17-cv-00113-JFL

**NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiff Gloria Sturzenacker, by and through her undersigned counsel, hereby gives notice of her voluntary dismissal of this case without prejudice. In support thereof, Plaintiff avers the following:

1. CMC Restoration, Inc. ("CMC"), and David Kelley ("Mr. Kelley") have been dismissed as Defendants in this case, and are presently the Defendants in a state court action in the Northampton County Court of Common Pleas, docketed at C-48-CV-2017-7481. Plaintiff's voluntary dismissal of the within federal action has no effect on the case against CMC and Mr. Kelley in the state court action.
2. The sole Defendant remaining in the within federal action is Christopher & Brummett, Inc. ("Defendant C&B").
3. Defendant C&B has not filed an answer or moved for summary judgment in the within action. In fact, Defendant C&B has never appeared in this case.

4. Due to the unlikelihood of collecting against Defendant C&B at this time on any judgment awarded to Plaintiff, Plaintiff has elected to file this Notice of Voluntary Dismissal in accordance with Fed. R. Civ. P. 41(a)(1)(A)(i).

Date: \_\_\_\_\_

4/30/19

William J. Fries

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